

Privacy Policy and Code of Practice

DOCUMENT VERSION HISTORY

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CONTENTS

Privacy Policy and.....	1
Code of Practice	1
Statement.....	3
Collection of personal information	3
How we collect personal information.....	3
Consent to use or disclose personal information	3
Social Media	4
Consent to participate in research studies	4
Google Analytics.....	4
Website	4
Consent to photography	5
Retention and security of personal information.....	5
How is collected information disclosed?	5
Requesting Personal Information	5
Breaches.....	6
Dealing with unsolicited information.....	6
Cross-Border disclosure of personal information	6
Adoption, use or disclosure of government related identifiers.....	6
Accessing and updating personal information	6
Is the information in a public register?	7
Complaints	7
Appendix 1	8
Privacy and Personal Information Protection Act 1998.....	8

Statement

COTA NSW is committed to protecting people's privacy including that of staff, volunteers, office bearers, members and clients. The manner by which COTA NSW collects, stores, uses and discloses personal information is regulated by the Privacy and Personal Information Protection Act 1998 (PIIP Act):

<https://www.legislation.nsw.gov.au/#/view/act/1998/133>

Commonwealth funded programs adhere to Privacy Act 1998 (cth)

<https://www.legislation.gov.au/Details/C2014C00076>

The COTA NSW Privacy Policy and Code of Practice has been developed to:

- protect the privacy of individuals
- protect personal information
- manage the collection, use, disclosure and storing of personal information
- manage how individuals may access and correct their personal information held by COTA NSW
- ensure information will be collected and used lawfully for the purpose for which it was collected.

Collection of personal information

COTA NSW collects and handles a range of personal information for the purposes of:

- providing information, products and services
- planning, funding, monitoring, evaluating and reporting on products, services and future directions
- provision of data in both identified and de-identified form to Government agencies
- planning, developing and evaluating research studies.

Personal information collected can include an individual's name, date of birth, gender, home address, email address, phone numbers, workplace, and any other information that may have been provided to COTA NSW relating to use of, purchase or participation in COTA NSW information, products, services, and events.

Always adhere to the 12 guiding principles as set down in PPIIP Act (see Appendix 1) before collecting, using, or disclosing any personal information.

How we collect personal information

COTA NSW collects personal information directly from individuals in person, in writing, by phone, email and facsimile, and through our online services.

Information may be collected from third parties who have been authorised to provide personal information to COTA NSW; our service providers, law enforcement and statutory and regulatory bodies; and publicly available sources such as the internet and phone directory.

COTA NSW also collects information about prospective board members, employees, and volunteers directly, including criminal history checks and from other sources such as referees.

Consent to use or disclose personal information

COTA NSW will take all reasonable steps to notify people or ensure an individual is aware that personal information is being collected about them and, where possible, use an appropriate consent form. Individuals should be informed about:

- the fact that the information is being collected
- the purpose for which the information is being collected
- the intended recipients of the information
- whether this is required by law or is voluntary and whether there is any consequence of not providing the information
- the existence of any right of access to and correction of the information
- where and how the information is to be stored or held.

COTA NSW will only hold personal information about an individual that was collected for a specific purpose. COTA NSW will not use or disclose that information for any other purposes unless:

- the individual for which the information is used has consented to the use for that purpose
- the other purpose for which the information is used is directly related to the purpose for which it was collected
- the individual concerned is reasonably likely to have been aware, or has been made aware that information of that kind is usually disclosed
- to a third party where the individual consents to the use or disclosure
- where required or authorised by law
- where COTA NSW reasonably believes that the use or disclosure is necessary to lessen or prevent: a serious and imminent threat to an individual's life, health, or safety; or a serious threat to public health or public safety.

Social Media

COTA NSW uses social networking services such as Twitter, Facebook, LinkedIn, Instagram, and YouTube to communicate with the public about our work. When a person communicates with COTA NSW using these services we may collect personal information, but we will only use it to help us to communicate with them.

The social networking service will also handle personal information for its own purposes. These services have their own privacy policies. You can access the privacy policies for Twitter, Facebook, LinkedIn, Instagram, and YouTube on their websites.

Consent to participate in research studies

COTA NSW periodically conducts surveys, (online and as part of public consultation processes), to better understand the attitudes and issues of people aged 50 and over living in NSW.

All information provided in COTA NSW surveys remains confidential and anonymous and will not be passed onto a third party or other organisation. Any personal information (such as contact details to receive the COTA NSW newsletter) will be saved and kept separately from survey responses.

Google Analytics

Google Analytics is a web service provided by Google Inc. Cookies are used to generate data on website activity and usage. The cookies, which include IP addresses, are transmitted to and stored in Google servers in the United States where they are used to compile web-use reports. Google may transfer this information to third parties, where required by law, or for information processing on its behalf. Google will not associate IP addresses with any other data held by Google. It is possible to disable cookies by adjusting web-browser settings and to opt-out of Google Analytics, however this may affect website functionality.

Website

COTA NSW web servers automatically log information such as server address, date and time of visit and web pages accessed. No personal information is recorded. These logs are used for website management and improvement.

People can generally visit COTA NSW's website without revealing who they are or providing any personal information. COTA NSW will not collect any personal information about visitors to our website, except when visitors take steps to provide personal information to us, for example, when submitting an enquiry. Information provided through our website will be collected, held, used, and disclosed in accordance with this Privacy Policy.

If a person provides us with personal information through our website, COTA NSW may log your usage to assist us to make our website more accessible and valuable to our clients and future website visitors.

The internet is not always a secure method of transmitting information. Whilst COTA NSW takes reasonable steps to ensure that information it receives is maintained securely, it cannot ensure that communications conducted via the internet will be secure.

Consent to photography

COTA NSW will obtain specific consent from individuals (or from parents/legal guardian in the case of minors) before reproducing a photographic or video image of them for promotional purposes, unless their appearance is incidental to the photograph or video, for example, if they appear as part of a large group or participating in a public event.

Sometimes it can be difficult to gain individually informed consent. In cases where it is intended to take photographs or video images at an event/meeting, COTA NSW will give notice to attendees that photographs/video will be taken and used for specific purposes. Giving notice demonstrates respect for individual privacy/preference and allows an attendee to decide if they do not wish to be photographed or their image used.

Retention and security of personal information

COTA NSW will undertake to ensure that all personal information:

- is kept for no longer than is necessary for the purposes for which it may be lawfully used
- is disposed of securely
- is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, modification, or disclosure
- if given to a person in connection with the provision of a service, everything reasonable within the power of COTA NSW is done to prevent unauthorised use or disclosure of the information.

How is collected information disclosed?

COTA NSW may use or disclose your personal or sensitive information for the purpose disclosed at the time of collection, implied in its collection where the individual would reasonably expect COTA NSW to use that information or otherwise as set out in this Privacy Policy. We will not use or disclose personal or sensitive information for any other purpose without first seeking your consent, unless authorised or required by law or for any other purposes as expressed in the NSW Privacy and Personal Information Protection Act 1998.

Generally, most of the information we handle relates to the services we provide, in which case we use and disclose personal information:

- when services we are required to provide including the Children and Young Persons (Care and Protection) Act 1998 (NSW), NSW Child Safe Standards for Permanent Care, Interagency Guidelines, Social Security (Administration) Act 1999 (Cth) and Community Welfare Act 1987 (NSW)
- in order to comply with the statutory requirements which may require information be shared with Commonwealth, State and Territory government agencies
- to maintain records required under our policies and by law
- for related purposes in managing and administering COTA NSW's services, including managing billing and debt recovery, training of staff and contractors and managing their work performance and career progression, quality assurance and evaluation, maintenance and testing of information technology systems, obtaining advice from consultants and professional advisers and investigating or managing complaints, concerns or claims (including liaising with legal representatives and insurers) and for ongoing fundraising campaigns.

The person (or their legally authorised representative) is generally entitled to access the personal information we hold about you under the Australian Privacy Principles 12 and 13, except where access can or must be denied or limited by the Privacy Act.

Requesting Personal Information

To request access personal information, please contact COTA NSW's Privacy Officer via info@cotansw.com.au in writing. COTA NSW will not charge a fee for lodging a request for access or for compiling information in response to your request. Proof of identification may be requested by COTA NSW.

Requests for access must be in writing and should include:

- if the person requesting information is an authorised representative, proof that the person requesting access is lawfully authorised to do so (such as a copy of the Power of Attorney appointing the person as well as a copy of the person's drivers' licence or passport)
- specific details of the information sought so that COTA NSW can identify what personal information is being requested
- the form in which the information is requested (for example, a copy of the information or a request to view the information contained in our records).

We will generally provide access to personal information in the form requested unless this is unreasonable or impractical, in which case we may provide the information in another way and will do so within 30 days. For example, if providing information may have an unreasonable impact on the privacy of other individuals, we may provide only some of the information.

If you believe the personal information, we hold is inaccurate, incomplete, not up to date or misleading, you may request that the information be amended and we must take reasonable steps to correct the information.

If we decide not to grant access to personal information or we refuse to correct personal information we will provide you with written reasons for our decision, the mechanisms available to complain and any other matters that we may be legally required to tell you under the Privacy Act.

Breaches

If COTA NSW determines that personal information has been accessed without permission, acquired, used or disclosed in a manner which compromises the security of the personal information, COTA NSW will assess the risk to affected parties in accordance with the Privacy Act.

If COTA NSW determines that a breach would be likely to result in serious harm to an individual, COTA NSW will notify all affected individuals and the Office of the Australian Information Commissioner (OAIC) in compliance with COTA NSW's Data Breach Response Plan. The notification will provide recommendations about the steps individuals should take in response to the breach.

Dealing with unsolicited information

If COTA NSW receives unsolicited personal information about an individual then that information will be only retained or used if it determines that the information is required in order to provide products or services, or that it could have been collected by normal means. If COTA NSW determines that it should not be retained, the information will be destroyed or de-identified as soon as practicable.

Cross-Border disclosure of personal information

Personal information may be transferred to, stored by or disclosed to an overseas recipient in limited circumstances, for example, we may use a server hosted overseas to store data. COTA NSW will take reasonable steps to ensure that any such overseas recipients is compliant with privacy laws in relation to personal information.

Adoption, use or disclosure of government related identifiers

COTA NSW will not use an Australian Government identifier for an individual as its own.

Accessing and updating personal information

COTA NSW will take reasonable steps to ensure that personal information is accurate, complete, and up-to-date. Individuals may request access and amendments to personal information held about them by COTA NSW by contacting the Office and Information Manager.

- COTA NSW must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities, unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of this or another person.
- COTA NSW must not disclose such information to any person or body that is in a jurisdiction outside NSW unless a relevant privacy law is in force there or the disclosure is permitted under a privacy code of practice.
- In the case of a member of staff, the Emergency Contact list, which has everyone's name on and their nominated contact, in case of an accident or emergency, will be limited to the CEO, Office Information Manager and Board President.

Is the information in a public register?

COTA NSW is required by law to maintain a Public Register of the names and addresses of all members as well as the date each member was entered into the register. Any member of the public can request to inspect the register. In the event of any such request, COTA NSW will disclose only members names; no other details (address, telephone number, email address etc) will be made available to public inspection.

If the police or some law enforcement agencies are requesting personal information:

- the request must be made in writing.

If another government agency is requesting the information:

- the request must be made in writing
- written confirmation must be provided that the requirements of the PPIP Act will be adhered to
- evidence must be provided that is their agreement between the agencies that allows for the information to be revealed.

Written requests protect the giver (see below). A file note should be written or typed of the conversation and the person's name who gave out the information as a contact for future reference.

YOUR LIABILITY According to Section 62 of the Privacy and Personal Information Protection Act, an individual can be liable for misuse of personal information kept by COTANSW. The Act says that an individual can incur up to a maximum penalty of \$10,000 or imprisonment for two years or both. This liability, if proven, cannot be transferred to COTA NSW.

Complaints

If you are not satisfied with our handling of your personal information or you believe we have breached our privacy obligations, you can complain in writing to the Privacy Officer listed below. We will respond to you within 30 days.

If you are not satisfied with the handling of our response to your complaint you may also make a complaint to the OAIC by telephone 1300 363 992 or online.

Appendix 1

Privacy and Personal Information Protection Act 1998

Division 1 Principles <https://www.legislation.nsw.gov.au/#/view/act/1998/133/part2/div1>

1. collection of information for lawful purposes

(1) A public sector agency must not collect personal information unless:

- (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
- (b) the collection of the information is reasonably necessary for that purpose.

(2) A public sector agency must not collect personal information by any unlawful means.

2. collection of personal information directly from the individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or
- (b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.

3. requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,
- (b) the purposes for which the information is being collected,
- (c) the intended recipients of the information,
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- (e) the existence of any right of access to, and correction of, the information,
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

4. other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

5. retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information

6. information about personal details held by agencies

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information

7. access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

8. alteration of personal information

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.
- (4) This section, and any provision of a privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the [State Records Act 1998](#).
- (5) The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.

(6) In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister's personal staff.

9. agencies must check accuracy of information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

10. limits on personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

11. limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

12. special restrictions on disclosure of personal information.

- (1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) A public sector agency that holds personal information about an individual must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:
 - (a) the public sector agency reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the information protection principles, or
 - (b) the individual expressly consents to the disclosure, or

- (c) the disclosure is necessary for the performance of a contract between the individual and the public sector agency, or for the implementation of pre-contractual measures taken in response to the individual's request, or
- (d) the disclosure is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the public sector agency and a third party, or
- (e) all of the following apply:
 - (i) the disclosure is for the benefit of the individual,
 - (ii) it is impracticable to obtain the consent of the individual to that disclosure,
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or
- (f) the disclosure is reasonably believed by the public sector agency to be necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or
- (g) the public sector agency has taken reasonable steps to ensure that the information that it has disclosed will not be held, used or disclosed by the recipient of the information inconsistently with the information protection principles, or
- (h) the disclosure is permitted or required by an Act (including an Act of the Commonwealth) or any other law.